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800. FEDERAL ALLOWANCE AND READJUSTMENT PROGRAMS

Since 1972 three continuing Federal programs were enacted to provide assistance or incentive payments to workers either totally or partially unemployed as a result of reasons that cannot be attributed to the actions of any prior employer. Unlike the Federal-State unemployment insurance system, payments under these programs are financed solely through Federal funds and the conditions to be met for payment are governed by Federal law.

805 TRADE READJUSTMENT ALLOWANCES (TRA)

The Trade Expansion Act of 1962, among other things, provides for assistance to workers who are unemployed or underemployed because of the adverse effect of increased imports as a result of trade arrangements permitted under the Act. Direct worker assistance provided by the Act consists of trade readjustment allowances, relocation allowances, and subsistence and transportation allowances during periods of referred training.

The Secretary of Labor has entered into agreements with State employment security agencies whereby such agencies will act as agents for the Federal Government in paying allowances to eligible workers. Payments and administrative costs are paid from Federal funds. The States also will be reimbursed for State unemployment insurance benefits paid for any weeks of unemployment for which workers are subsequently determined to be eligible for trade readjustment allowances.

805.01 Certification process.--There are two ways by which workers can be certified as eligible to apply for adjustment assistance: (1) a group of three or more workers may petition the U.S. Tariff Commission for a determination of eligibility to apply for adjustment assistance; or (2) after receiving a finding from the Tariff Commission that an industry is adversely affected by imports, the President may provide that workers in the industry can request from the Secretary of Labor a certification of eligibility to apply for adjustment assistance. Claims for trade readjustment allowances are to be filed in the local office of the State agency most convenient to the claimant. The paying State is the State in which the worker was last separated from adversely affected employment, with one exception. If the worker is entitled to State or Federal unemployment insurance in another State, this latter State is the

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paying State. The availability and disqualification provisions of the unemployment insurance law of the TRA-paying State apply to any worker who files a TRA claim. Once determined, the paying State remains the same unless the claimant subsequently becomes eligible for unemployment insurance in another State, or, if not, if he subsequently has another total or partial separation from adversely affected employment in another State. Associating the responsibility for paying TRA with eligibility for State or Federal unemployment insurance is intended to eliminate duplication of payments for the same week. The claimant's maximum weeks of TRA entitlement are reduced for each week in which he receives a payment of TRA, reimbursable State unemployment insurance, UCFE-UCX or railroad unemployment benefits or a training allowance.

805.02 Qualifying requirements.--To qualify for these allowances, the worker must have had at least 78 weeks of employment at wages of at least \$15 a week within the 3-year period preceding his total or partial separation from adversely affected employment. At least 26 weeks of his employment during the 52 weeks preceding such separation must have been performed for an adversely affected firm or firms.

805.03 Duration.--Generally, trade readjustment allowances are payable up to 52 weeks; however, a worker who is 60 years of age or older when separated from adversely affected work may receive up to 13 additional weeks of allowances. To permit the completion of approved training begun before the end of the 52-week benefit period, up to 26 additional weeks of benefits may be paid. In no case, however, may any one individual be paid more than 78 weeks of trade readjustment allowances during the life of the program.

805.04 Subsistence and transportation allowances.--An adversely affected worker may receive TRA while undergoing training under any State or other program approved for him. He may also receive subsistence and transportation allowances while attending training under any other training under a Federal law to which he is referred if such training to which he is referred is conducted at a facility which is not within commuting distance of his residence.

805.05 Relocation allowances.--Relocation allowances are payable under the Act to a totally separated worker who is the head of a family, who has no reasonable expectation of securing work in the area in which he lives, and who has a bona fide offer of work, which is neither seasonal nor temporary, in the area in which he wishes to relocate. Relocation allowances consist of (1) a lump-sum payment and (2) expenses incurred in moving the worker, his family and household effects to the location of his new job.

810 WORK INCENTIVE PROGRAM (WIN)

The 1967 amendments to the Social Security Act added a program under Part C of Title IV in connection with Aid to Dependent Children and Unemployed Parents to provide incentive and assistance to appropriate persons to become economically independent through employment.

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The Act establishes three priorities of assistance. The first priority is to assist a worker to obtain employment. If the worker cannot immediately be placed in employment he may be placed in training under a second priority. A worker not served under priorities one and two may be placed in special work projects under priority three.

Workers under priority two are provided incentive payments semi-monthly in the amount of \$15 per payment. Workers employed in priority three may receive supplemental assistance on a graduated basis related to the amount of public assistance otherwise payable to him taking into account earnings received in his employment in the special work projects. Child care and expense allowances related to his participation in the WIN program also are provided under the Act.

815 DISASTER UNEMPLOYMENT ASSISTANCE (DUA)

The disaster Relief Act of 1974, Public Law 93-288, Section 407, authorizes the President to provide to any individual unemployed as a result of a major disaster such assistance as he deems appropriate while the individual is unemployed. Payments under this Act are made by State unemployment insurance agencies under agreements with the Secretary of Labor. Funds for both assistance payments and administrative costs are provided by the Federal Disaster Administration (HUD) to the Secretary who, in turn, makes them available to the States.

815.01 Eligibility--In general, the Regulations provide that individuals living or working in those areas affected by a major disaster, who are unemployed because of the disaster, are eligible for DUA if they are not eligible for other wage replacement payments and meet certain requirements. Applications for DUA must be filed within thirty days of the Governor's announcement of a disaster in the State; the unemployment must be directly caused by the disaster; and individuals must be able and available for suitable work.

815.02 Disaster assistance period--Each applicant establishes a uniform disaster assistance period beginning with the first day of the week that includes the announced date of the major disaster. During the disaster assistance period, DUA is available to an individual as long as his unemployment caused by the disaster continues or until he is reemployed in a suitable position, but no longer than one year after the major disaster is declared.

815.03 Weekly assistance amount--Except in the Canal Zone, Guam, American Samoa and the Trust Territory of the Pacific Islands, the weekly disaster unemployment assistance amount is whichever of the following is greater: (1) the amount of the average weekly regular unemployment compensation payment (including allowances for dependents) in the State in which the major disaster occurred; or (2) the weekly amount to which an individual would have been entitled under the State law for a week of total unemployment had all his work and wages been included as employment and wages under such State law.

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815.04 Deductions.--The disaster unemployment assistance payable to an applicant for a week shall be reduced by the amount of any of the following that an applicant has received for the week or would receive for the week if he filed a claim or application: (1) regular, additional, or extended unemployment compensation; (2) trade readjustment allowances; (3) any compensation or insurance from any source for loss of wages due to illness or disability; (4) supplemental unemployment benefits (SUB) pursuant to a collective bargaining agreement; (5) basic weekly allowances under the Comprehensive Employment and Training Act of 1973; (6) private income protection; (7) workmen's compensation by virtue of death of head of household; and (8) the amount of retirement pension or annuity under a public or private retirement plan or system if such amount is deductible under the State law. Also, 75 percent of any wages in excess of \$5 payable with respect to a week wherein the individual earns less than 1-1/2 times his WBA and works less than full time.

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820.02 Disaster assistance period.--Each applicant establishes a uniform disaster assistance period of one-year duration beginning with the first day of the week that includes the announced date of the major disaster. Under special circumstances a shorter uniform disaster assistance period may be provided which will begin on the first day of the week specified in the agreement among the Director, OEP, and the Governor of the affected State and will terminate on the date stipulated in such agreement.

820.03 Weekly assistance amount.--Except in Guam, the Virgin Islands, American Samoa and the Trust Territory of the Pacific Islands, the weekly disaster unemployment assistance amount is whichever of the following is greater: (1) the amount of the average weekly regular unemployment compensation payment (including allowances for dependents) in the State in which the major disaster occurred; or (2) the weekly amount to which an individual would have been entitled under the State law for a week of total unemployment had all his work and wages been included as employment and wages under such State law.

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820.05 Maximum assistance amount.--The maximum amount of disaster unemployment assistance payable to an applicant is the weekly amount multiplied by the maximum number of weeks of regular unemployment compensation for total unemployment payable to any claimant under the applicable State law unless a shorter disaster assistance period of less than the maximum State duration for regular unemployment compensation is announced. In those cases the weekly amount will be multiplied by this lesser number of weeks.